

21 C.J.S. Courts § 327

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Courts

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X. Clerks of Courts

A. Nature of Office, Appointment, Qualification, and Tenure

§ 327. Eligibility and qualification

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

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Eligibility for the office of clerk of court is governed largely by constitutional and statutory provisions.

Eligibility for the office of clerk of court is governed largely by constitutional and statutory provisions¹ which usually require that the clerk be a resident of the county or judicial district in which he or she acts.² Additionally, a judge's authority to control and supervise judicial personnel includes the inherent authority, independent of statute, to ensure that clerks serving in their courts are qualified and possess the skills and competence to enable them to perform their duties in a professional manner and in conformity with governing statutes, rules, orders, and standards of accountability.³

A state court rule requiring that all candidates for the position of court clerk receive a passing score on a written examination before their names may appear on the ballot does not impose an unreasonable restriction on the First and Fourteenth Amendment rights of voters.⁴

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Footnotes

¹ Ky.—[Kirkpatrick v. Brownfield](#), 97 Ky. 558, 17 Ky. L. Rptr. 376, 31 S.W. 137 (1895).

² Ga.—[McGill v. Simmons](#), 172 Ga. 127, 157 S.E. 273 (1931).

- 3 Mass.—[First Justice of Bristol Div. of Juvenile Court Dept. v. Clerk-Magistrate of Bristol Div. of Juvenile Court Dept.](#), 438 Mass. 387, 780 N.E.2d 908 (2003).
- 4 U.S.—[Johnson v. Administrative Office of the Courts](#), Kentucky, 133 F. Supp. 2d 536 (E.D. Ky. 2001).

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